IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2916 OF 2007

The State of Maharashtra .... Applicant

versus

Dr. Vishnu Supdu Patil & ors..... Respondent.

Mr. A.S.Shitole APP for the State

CORAM; A.P. DESHPANDE, J.
DATED; 26TH NOVEMBER, 2007

P.C.;

1. By the present application the State is seeking leave to file an appeal against the judgment and order of acquittal passed by Ad-hoc Additional Sessions Judge, Malegaon dated 12-12-2006. The respondents came to be prosecuted for the alleged commission of offence punishable under section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with sections 427 and 34 of IPC.

2. Perused the impugned judgment. The same does not call for any interference whatsoever. It has come on record that the employer of the complainant/victim by name Dharma Anna had a dispute in regard to landed property of the accused, on account of which regular Civil Suit No.25/05 was instituted and was sub-judice. Temporary injunction Application was

decided in favour of the accused. It is the case of the accused that on account of pendency of the suit, Dharma Anna, the employer of the victim set up the victim to file a false complaint against the accused persons. It has also come on record that taking advantage of the detention of the accused in jail, the accused were made to sell the land to Dharma Anna. Dharma Anna is also said to be running two country liquor shops in the area of the concerned police station. Thus a case was made out by accused that they were falsely implicated at the behest of Dharma Anna. The court below has categorically found that the prosecution has failed to make out a case, that the accused are guilty of commission of offence, beyond reasonable doubt, and hence acquitted the accused persons. The impugned judgment and order does not suffer from any illegality whatsoever. Hence application seeking leave to file an appeal against the judgment and order is rejected.

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